

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

GREGORY SCOTT COVEY,

Plaintiff,

V.

MAXEY CERLIANO, SHERIFF -
GREGG COUNTY, TX; JEFF
CALLAWAY, CHIEF DEPUTY; DR
WHITE, STEVE KATNER, LAWYER;
AND KENNETH R HAWK, FEDERAL
LAWYER;

CIVIL ACTION NO. 6:18-CV-00571-TH

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Gregory Scott Covey, an inmate confined at the Hutchins Unit within the Texas Department of Criminal Justice (TDCJ), proceeding *pro se* and *in forma pauperis*, filed this civil rights action alleging medical deliberate indifference while he was incarcerated at Gregg County Jail. (Docket No. 1.) The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On August 6, 2020, Judge Love issued a Report, (Docket No. 34), recommending that Plaintiff's civil rights lawsuit be dismissed as frivolous and for failure to state a claim upon which relief can be granted, with prejudice, pursuant to 28 U.S.C. § 1915A(b)(1). A copy of this Report was sent to Plaintiff at the address he provided. However, to date, no objections to the Report have been filed.

Because objections to Judge Love's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

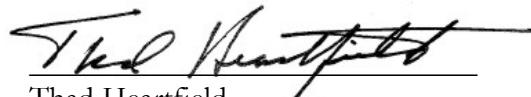
The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Docket No. 34), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that the above-styled civil rights action is **DISMISSED**, with prejudice, as frivolous pursuant to 28 U.S.C. § 1915A(b)(1). Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

SIGNED this the 10 day of September, 2020.



Thad Heartfield
United States District Judge